

BILL 34 CITY OF WINNIPEG CHARTER AMENDMENT & PLANNING AMENDMENT ACT

FREQUENTLY ASKED QUESTIONS

Bill 34 at a Glance

1. Why is the Government of Manitoba making changes to The City of Winnipeg Charter and The Planning Act?

The proposed bill is part of the Government of Manitoba's ongoing efforts to streamline and modernize land use planning processes and reduce red tape for stakeholders and Manitobans.

The bill is a priority for the Government of Manitoba and builds upon the previous The Planning Amendment and City of Winnipeg Charter Amendment Act that passed on May 20, 2021.

2. Who has the Province consulted with?

The Government of Manitoba has been listening to stakeholders. The input we received from the Association of Manitoba Municipalities, City of Winnipeg administration, the public, and other stakeholders such as professional planners and the development industry has helped shape the legislation.

A multi-stakeholder working group established in January 2020 continues to meet regularly, which includes representation from the City of Winnipeg, the Association of Manitoba Municipalities, the Winnipeg Metropolitan Region, and professional associations and industry.

Streamlining Land use Planning

3. What statutory timelines does the bill create?

The proposed changes complement existing timelines in The City of Winnipeg Charter and The Planning Act, for example:

- Statutory timelines can be extended with the agreement of the applicant.
- Local planning authorities have 20 days to notify applicants if their planning application is complete or what additional information is required if it is not complete.
- Planning authorities have an additional 30 days on the longest applicable timeline when holding combined hearings on two or more planning applications.
- The timeline to file an appeal to the Municipal Board on subdivisions, aggregate quarries, and large-scale livestock operations is reduced from 30 days to 14 days under The Planning Act to be consistent with other appeal periods in the Act.

The proposed Bill also extends the existing rights of property owners in Winnipeg to appeal the decision of a designated employee to the rest of the province. This change ensures a fair and level playing field regardless of where Manitobans live in the Province.

4. How does the bill address secondary plans?

A secondary plan is a detailed land use plan for a specific neighbourhood, district or area of a municipality. Secondary plans must be consistent with the local development plan by-law and are typically initiated and prepared by a municipality or planning district to provide more detailed policies and objectives to guide development for the specific area, such as public spaces, infrastructure, servicing and urban design.

The bill allows the City of Winnipeg to require secondary plans be prepared and submitted by a property owner before applications made by the owner for zoning by-law amendment or approval of a plan of subdivision, under certain conditions.

City Council must establish criteria for determining when a property owner must prepare and submit a proposed secondary plan to the city. A by-law must set out the maps to be included, the manner for determining the appropriate boundaries of the neighbourhood or area to be subject to a proposed secondary plan submitted by an owner; and set out criteria to determine a complete secondary plan.

The bill establishes a 20-day timeline to accept the secondary plan application and 150 days for Council to make a decision on the secondary plan. Property owners also have the right to appeal the missed timeline or Council decision on their secondary plan application.

At this time, the proposed changes to secondary plans only apply to the City of Winnipeg which currently makes extensive use of secondary plans.

5. What are the other changes to land use planning?

The proposed bill includes a number of minor and miscellaneous changes to clarify and update a number of planning processes, including:

- Updating the hearing notification requirements for planning applications in the City of Winnipeg to make it more consistent with the rest of the province.
- Updating outdated terminology by replacing 'Plan Winnipeg' with 'Development Plan' and 'Permit' with 'Development Permit'.
- Clarifying that Winnipeg Zoning by-laws must be consistent with the Development Plan and applicable secondary plans to bring it inline with the rest of the province.
- The expiry of an approved variance can be extended up to three years under The Planning Act, to align with the expiry of approved conditional uses and provisions in the City of Winnipeg Charter.

6. What is being done to ensure that the proposed planning changes are effective?

The bill includes a requirement to review the planning changes by October 29, 2024 and to table a report in the Legislature within a year or by October 29, 2025, to align with a review of The Planning Amendment and City of Winnipeg Charter Amendment Act (formerly Bill 37).

Reducing Red Tape in Winnipeg

7. How is this bill reducing red tape?

Amendments to the Charter that reduce red tape will be in these areas:

- a) Auditing Sinking Fund Trustees of the City of Winnipeg – The proposed amendment will repeal the legislative provision requiring an annual audit of the City’s old Sinking Fund that was used for debt that was outstanding prior to December 31, 2002.
 - i. The Sinking Fund Trustees are audited annually through the City’s consolidated financial statements, resulting in a duplicative audit requirement and unnecessary red tape. These amendments will remove the duplicative audit requirements.
 - ii. These amendments will not apply to the City’s current Sinking Funds, which are governed by a separate section of The City of Winnipeg Charter. Current audit requirements for these sinking funds will continue to be in place.

- b) Property Removal and Demolition on Land in Tax Arrears – The proposed changes would retain the City’s ability to refuse permission to remove or demolish a building in tax arrears, but will remove the requirement for a duplicative approval process whereby property owners must get permission from the City tax collector prior to demolition, in addition to applying for a demolition permit. This will reduce red tape for property owners and the City of Winnipeg.

- c) Substitutional Service Provisions for Compliance of Demolition Orders – This would allow processing of substitutional service orders through the Land Titles office. This change would reduce the administrative burden of applying to the courts for a substitutional service order.

8. Why make changes to reduce red tape?

These changes will alleviate unnecessary administrative burdens on the City of Winnipeg and update legislation. They will also help Manitobans with more streamlined and consistent processes across the province.

9. Do the changes to reduce red tape result in additional costs for Manitobans?

There will be no additional cost to Manitobans. These legislative changes will save time and money for the Province and Manitobans while reducing burden for the City of Winnipeg, the courts, and property owners.

Building and Fire Inspections

10. What changes are being made to building and fire inspection processes?

Currently, the City of Winnipeg Charter only allows the City of Winnipeg to engage a designated employee to conduct building and fire inspections. The proposed changes gives the City greater flexibility to choose either a designated employee or a third party designated official to conduct building and fire inspections.

On January 15, 2021, the Manitoba Government made regulatory changes to allow municipalities incorporated under The Municipal Act to engage third parties to conduct building and fire inspections. The proposed changes bring the City of Winnipeg in line with service delivery options currently available to other municipalities.

This change delivers on Manitoba's commitment to modernize planning and permitting processes by establishing a coordinated approach to conducting building and fire inspections.

11. When will the bill take effect?

The bill will come into effect after it has passed all stages in the House (legislature) and upon a fixed proclamation date that is to be determined.

The Department of Municipal Relations will continue to work with all municipalities, planning districts and other key stakeholders to ensure they understand the requirements of the bill.